



IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Eduardo J. Moura and Jan Maksymilian Gronski  
SERIAL NO: 08/426,920  
FILED: April 21, 1995  
TITLE: ASYMMETRIC HYBRID ACCESS SYSTEM AND METHOD  
EXAMINER: To be assigned  
GROUP ART UNIT: 2603  
ATTY.DKT.NO.: 1572

EM248525802US

"Express Mail" mailing label number

Date of Deposit January 18, 1996

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner For Patents, Washington, D.C. 20231.

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

*Mike Spilman*  
*Mike Spilman*  
Signature

PETITION TO MAKE SPECIAL

Sir:

Pursuant to 37 C.F.R. §1.102, and consistent with the procedural requirements outlined in M.P.E.P. §708.02 (VIII), Applicants hereby petition to make the above identified patent application special. Applicants submit the fee of \$130.00 as set forth in 37 C.F.R. §1.17(i)(2).

Applicants assert that all claims in the above-identified application are directed to a single invention. Applicants also assert that, if the Office determines that all the claims presented are not obviously directed to a single invention, Applicants will make an election without traverse as a prerequisite to the grant of special status.

Applicants assert that a pre-examination search was conducted by a professional searcher at the U.S. Patent and Trademark Office. The search covered: (1) Class 340, Subclass 825.08; (2) Class 348, Subclasses 7, 12, 13, 14, and 17; (3) Class 370, 85.8, 85.11, 85.13, 85.14, 94.1, 94.2, and 95.5; (4) Class 395, Subclasses 200.02, 205.06,

130.00 122 Gp  
2603  
3  
Petition to make special  
2/13/96  
H. Little

and 200.2; and (5) Class 455, Subclasses 4.1, 4.2, 5.1, and 6.1. The search resulted in identification of the following U.S. Patent documents:

1. U.S. Patent No. 4,924,461 issued to Amemiya et al. (Amemiya I).
2. U.S. Patent No. 5,166,675 issued to Amemiya et al. (Amemiya II).
3. U.S. Patent No. 5,410,343 issued to Coddington et al.

Copies of these references are enclosed herewith.

A detailed discussion of these references are provided below. This discussion points out, with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is distinguishable over this reference.

U.S. Patent No. 4,924,461 issued to Amemiya et al. (Amemiya I)

This reference, as understood, discloses a polling technique, as illustrated in Figure 3, in which a master station 1 polls over a downstream channel 3 a number of slave stations  $TE_{1-n}$  which issue requests for communication to the master station 1 over an upstream channel 4. After receiving a transmission grant from the master station 1, data is transmitted from the slave station to the master station over the upstream channel 4.

The present invention, as claimed, is clearly distinguishable over this reference. First, the present invention is limited to a metropolitan area network system and upstream and downstream routers operating at different speeds in a hybrid access system. Amemiya I does not show nor suggest internetwork elements such as routers operating at different upstream and downstream speeds. Hence, Applicants submit that the claimed invention is patentable over Amemiya I.

U.S. Patent No. 5,166,675 issued to Amemiya et al. (Amemiya II)

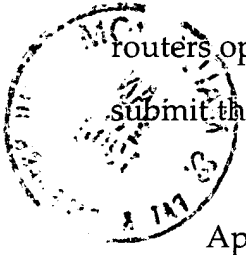
This reference, as understood, discloses a polling technique over a downstream channel and an upstream channel between a master station and a plurality of slave stations, but not in an asymmetric network for accessing a plurality of remote personal computers for high speed transmission.

The present invention, as claimed, is clearly distinguishable over this reference. First, the present invention is limited to a metropolitan area network system and upstream and downstream routers operating at different speeds in a hybrid access system. Amemiya II does not show nor suggest internetwork elements such as routers operating at different upstream and downstream speeds. Hence, Applicants submit that the claimed invention is patentable over Amemiya II.

U.S. Patent No. 5,410,343 issued to Coddington et al. (Coddington et al.)

This reference, as understood, discloses a video-on-demand system using an asymmetric transmission system over standard telephone lines in which requests for video are transmitted from one of a number of subscriber terminals over a low speed upstream channel to a central office from which video is transmitted downstream over a high speed channel to the subscribers. The central station 10 includes a video gateway 30 which distributes video programming in response to subscriber requests. This invention does not address asymmetric broadband data transmission systems over mixed medium environments that use analog broadcast techniques in the downstream direction with independent upstream channels.

The present invention, as claimed, is clearly distinguishable over this reference. First, the present invention is limited to a metropolitan area network system and upstream and downstream routers operating at different speeds in a hybrid access system. Coddington et al. does not show nor suggest internetwork elements such as




routers operating at different upstream and downstream speeds. Hence, Applicants submit that the claimed invention is patentable over Coddington et al.

Applicants submit that the present petition satisfies all of the requirements of 37 C.F.R. §1.102. Favorable action is respectfully requested.

Respectfully submitted,

Eduardo J. Moura  
Jan Maksymilian Gronski

Dated: 1/18/96

By:   
Robert P. Sabath  
Registration No. 29,107  
FENWICK & WEST  
Two Palo Alto Square, Suite 600  
Palo Alto, California 94306  
(415) 858-7153